



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/619,310	07/19/2000	Ole Thastrup	114465.401	1691

2292 7590 06/22/2004

BIRCH STEWART KOLASCH & BIRCH
PO BOX 747
FALLS CHURCH, VA 22040-0747

EXAMINER

RAWLINGS, STEPHEN L

ART UNIT	PAPER NUMBER
----------	--------------

1642

DATE MAILED: 06/22/2004

Please find below and/or attached an Office communication concerning this application or proceeding.



UNITED STATES DEPARTMENT OF COMMERCE

U.S. Patent and Trademark Office

Address : COMMISSIONER FOR PATENTS

P.O. Box 1450

Alexandria, Virginia 22313-1450

09/619,310

APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
---------------------------------	-------------	---	---------------------

EXAMINER

ART UNIT	PAPER
----------	-------

1642 20040615

DATE MAILED:

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner for Patents

Art Unit: 1642

Notice of Non-Responsive Election

The election with traverse filed April 5, 2004 is acknowledged and has been entered; however, the election is not fully responsive to the prior Office Action because of the following omission(s) or matter(s):

In reply to the Office Action mailed November 4, 2003, Applicant has stated at page 14 of the response:

In order to be fully responsive to the outstanding Restriction Requirement, Applicants hereby elect Group X, directed to claims 1-9, 23-25, 32 and 38, insofar as they are directed to GFP from *Aequorea victoria*, wherein the first amino acid preceding the chromophore is Leucine and the chromophore is Threonine- Tyrosine-Glycine (T-Y-G). This GFP is representative of the F64L- S65T-GFP variant. This is an election with traverse as noted above.

However, the Office action set forth the following at pages 3 and 4:

Groups X-XIII. Claims 1-9, 23-25, 32, and 38, insofar as the claims are drawn to a fluorescent protein derived from *Aequorea victoria* green fluorescent protein (GFP), wherein the amino acid of said protein at the first amino acid position preceding the chromophore of said protein is leucine and wherein said chromophore of said protein consists of the sequence threonine-tyrosine-glycine at positions 65-67, or a fusion compound comprising said protein, wherein said protein is linked to a polypeptide selected from the group consisting of (a) protein kinase A, or the catalytic subunit thereof, (b) protein kinase C, or the catalytic subunit thereof, (c) Erk1, and (d) a cytoskeletal element, or said fluorescent protein in which one or more of the amino acids of said chromophore have been substituted by another, classified in 530, subclass 350.

Note: If Applicants wish to elect one of the inventions of groups X-XIII, Applicants may do so by specifically identifying the polypeptide, i.e., (a), (b), (c), or (d), as indicated above, to which the claims are to be drawn.

Applicant's election is considered not fully responsive to the restriction and election requirement because Applicant did not identify the elected invention by identifying the polypeptide, i.e., (a) protein kinase A, or the catalytic subunit thereof, (b) protein kinase C, or the catalytic subunit thereof, (c) Erk1, or (d) a cytoskeletal element, to which the claims of the elected group are to be drawn. See 37 CFR 1.111.

Therefore, as required under 35 USC § 121, Applicant must reply to this Office communication by electing a single disclosed invention by specifically identifying the polypeptide selected from the group consisting of (a) protein kinase A, or the catalytic

Art Unit: 1642

subunit thereof, (b) protein kinase C, or the catalytic subunit thereof, (c) Erk1, and (d) a cytoskeletal element to which the claims of the elected group are to be drawn during prosecution of the instant application.

Since the above-mentioned reply appears to be *bona fide*, applicant is given **ONE (1) MONTH or THIRTY (30) DAYS** from the mailing date of this notice, whichever is longer, within which to supply the omission or correction in order to avoid abandonment. EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136(a).


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stephen L. Rawlings, Ph.D. whose telephone number is (571) 272-0836. The examiner can normally be reached on Monday-Friday, 8:30AM-5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christina Chan can be reached on (571) 272-0841. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Stephen L. Rawlings, Ph.D.
Examiner
Art Unit 1642

slr
June 15, 2004


PHILLIP GAMBEL, PH.D.
PRIMARY EXAMINER
DEU CENTER 1600
6/17/04